**DISTRICT OFFICE: CESWG** FILE NUMBER: D-16532

PRO	JECT	LOCA	TION	INFORM	IATION:

State:

Texas

County: Kleberg Center coordinates of site (latitude/longitude):

N27 18' 40" W97 40' 32"

Approximate size of area (parcel) reviewed, including uplands:

acres.

Name of nearest waterway: Callo del Grullo

Name of watershed:

#### JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 20 Dec 2004

Date(s):

# Jurisdictional Determination (JD):

Site visit(s)

Preliminary JD - Based on available information, \( \square\) there appear to be (or) \( \square\) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

Machine There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

Material There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

## BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-16532

La	Coordinary High Water Mark indicated by:   Clear, natural line impressed on the bank   Changes in the character of soil   Changes in the character of soil
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Ba Ba	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
<b>以图 图图图区图图图图图图图图图图图图图图图图图图图图图图图图图图图图图图图图</b>	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: Riviera Beach quad  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Autural Resources Conservation Service Soil Survey:  National wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date): 2002 GLO  Other photographs (Date): unknown  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE: SWG** FILE NUMBER: D-15269

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ı	-ĸ	v	JL	LI	L	J.	4	ΙĒ	u		- 11	٦r	u	ĸ	IVI	Α		w		:

State: Texas County: Harris

Center coordinates of site (latitude/longitude):

249474:3318818 Approximate size of area (parcel) reviewed, including uplands: acres.

Date: 13 December 2004

Name of nearest waterway: Cypress Creek Name of watershed: Cypress Creek

## JURISDICTIONAL DETERMINATION

**Completed:** Desktop determination

Site visit(s) Date(s): 15 August 2004

## Jurisdictional Determination (JD):

$\boxtimes$	Preliminary JD - Based on available information, \( \sum \) there appear to be (or) \( \sum \) there appear to be no "waters of the
	United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
	(Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No

# BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

#### B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The project area consists of Cypress Creek and an unnamed tributary to Cypress Creek, as identified by applicant.

FILE NUMBER: D-15269

L E	clear, natural line impressed on the bank
	shelving other:
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Texas Department of Transportation
	Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
DATA	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  USDA Natural Resources Conservation Service Soil Survey:  National wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date): January, 1995  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on: 15 August 2004  Applicable/supporting case law:
$\boxtimes$	Other information (please specify): Surveyed map prepared by Binkley and Barfield, submitted 11 aug 2004

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** SWG **FILE NUMBER:** D-15953/(01)

Sta Co Cer Ap Na	CT LOCATION INFORMATION: te: Texas unty: Harris nter coordinates of site (latitude/longit proximate size of area (parcel) review me of nearest waterway: me of watershed:	ude): ed, includin	301939; 3285356 g uplands: acres.
	pictional determination mpleted: Desktop determination Site visit(s)		Date: 21 December 2004 Date(s):
Jur	risdictional Determination (JD):		
	Preliminary JD - Based on available United States" and/or "navigable wa (Reference 33 CFR part 331).	information ters of the U	there appear to be (or) there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable
	Approved JD – An approved JD is a Check all that apply:	n appealable	e action (Reference 33 CFR part 331).
	There are "navigable waters of the reviewed area. Approximate size	ne United St e of jurisdict	ates" (as defined by 33 CFR part 329 and associated guidance) within ional area:
	There are "waters of the United reviewed area. Approximate size of	States" (as o	defined by 33 CFR part 328 and associated guidance) within the al area:
	There are "isolated, non-navigated Decision suppor Jurisdiction.	ole, intra-sta ted by SWA	te waters or wetlands" within the reviewed area.  NCC/Migratory Bird Rule Information Sheet for Determination of No.
BASIS ( A.	OF JURISDICTIONAL DETERMI Waters defined under 33 CFR par The presence of waters that are subjet the past, or may be susceptible for use	t 329 as "na ct to the ebb	avigable waters of the United States":  o and flow of the tide and/or are presently used, or have been used in a interstate or foreign commerce.
B.	interstate or foreign commerce, inclu (2) The presence of interstate waters (3) The presence of other waters such sandflats, wetlands, sloughs, prairie destruction of which could affect into (i) which are or could be used b (ii) from which fish or shellfish	e currently uding all wat including in as intrastate to tholes, we exist the common interstate common interstate coare or could for industrial as defined as	sed, or were used in the past, or may be susceptible to use in ers which are subject to the ebb and flow of the tide. terstate wetlands <sup>1</sup> .  e lakes, rivers, streams (including intermittent streams), mudflats, t meadows, playa lakes, or natural ponds, the use, degradation or nerce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. be taken and sold in interstate or foreign commerce. I purposes by industries in interstate commerce.
	(6) The presence of territorial seas.		vaters of the US, except for those wetlands adjacent to other wetlands.
	ionale for the Basis of Jurisdictional		tion (applies to any boxes checked above). If the jurisdictional

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

La:	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)
	Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Texas Department of Transportation
Bas	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
	Aps, plans, plots or plat submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  J.S. Geological Survey Hydrologic Atlas:  J.S. Geological Survey 7.5 Minute Topographic maps:  J.S. Geological Survey 7.5 Minute Historic quadrangles:  J.S. Geological Survey 15 Minute Historic quadrangles:  J.S. Geological Survey 16 Minute Historic quadrangles:  J.S. Geological Survey 16 Minute Hist
	pplicable/supporting case law: ther information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** SWG **FILE NUMBER:** D-15996

	CATION INFORMATION	<b>1:</b>				
Approxim	Texas Harris ordinates of site (latitude/longate size of area (parcel) revie earest waterway: Tributary to earershed:	wed, includin				
	DNAL DETERMINATION d: Desktop determination Site visit(s)	. 🛭	Date: 28 December 2004 Date(s):			
Jurisdiction	onal Determination (JD):					
Unite	ninary JD - Based on availab d States" and/or "navigable v rence 33 CFR part 331).	le information vaters of the U	there appear to be (or) there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable			
	oved JD – An approved JD is all that apply:	an appealable	e action (Reference 33 CFR part 331).			
The the re	ere are "navigable waters of viewed area. Approximate s	the United St ze of jurisdict	ates" (as defined by 33 CFR part 329 and associated guidance) within tional area:			
The review	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:					
■ Th	ere are "isolated, non-navig Decision suppo Jurisdiction.	able, intra-sta orted by SWA	tte waters or wetlands" within the reviewed area.  NCC/Migratory Bird Rule Information Sheet for Determination of No.			
A. Water The pr	esence of waters that are sub	rt 329 as "na ject to the ebb	avigable waters of the United States":  o and flow of the tide and/or are presently used, or have been used in an interestate or foreign commerce.			
(1) The interst (2) The (3) The sandfl destru (i) (i) (i) (4) Im (5) The (6) The (6) The (2) The (1) (1) (2) (3) (4) Im (5) The (6) The (6) The (6) The (6) The (7) Th	e presence of waters, which a tate or foreign commerce, ince e presence of interstate waters e presence of other waters su ats, wetlands, sloughs, prairie ction of which could affect in ) which are or could be used i) from which fish or shellfis ii) which are or could be used poundments of waters otherwaters of the reserved to presence of a tributary to a te presence of territorial seas.	are currently used to the control of	e lakes, rivers, streams (including intermittent streams), mudflats, t meadows, playa lakes, or natural ponds, the use, degradation or nerce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. be taken and sold in interstate or foreign commerce. I purposes by industries in interstate commerce.			
Rationale 1	or the Basis of Jurisdiction	al Determina	tion (applies to any boxes checked above). If the jurisdictional			

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Tributary to Green's Bayou

	2
L	Ateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  FILE NUMBER: D-15996  High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	_
Ba	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps:  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic soil Survey:  National wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date): January, 1995  Other photographs (Date):  Advanced Identification Wetland maps:

Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** SWG **FILE NUMBER:** D-16270

PR	OJE	CT LOCATION INFORMATION:
	Sta	te: Texas
		unty: Montgomery
	Cer	nter coordinates of site (latitude/longitude): 30-18-48-5845;95-27-21.7476
	App	proximate size of area (parcel) reviewed, including uplands: 18 acres.
	Nar	ne of nearest waterway: Black Branch
		ne of watershed:
TT II	oico	ACTIONAL DEPENDANCE OF
JUI	_	DICTIONAL DETERMINATION
	Coi	mpleted: Desktop determination Date: 09 December 2004
		Site visit(s) Date(s):
	Jur	isdictional Determination (JD):
	П	Preliminary JD - Based on available information, \( \subseteq \text{there appear to be (or)} \subseteq there appear to be no "waters of the or
		United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
		(Reference 33 CFR part 331).
	$\boxtimes$	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331).
		Check all that apply:
		There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within
		the reviewed area. Approximate size of jurisdictional area:
		the reviewed area. Approximate size of jurisdictional area.
		There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the
		reviewed area. Approximate size of jurisdictional area:
		,
		There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.
		Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No
		Jurisdiction.
DAG	eic c	AE HIDIODICTIONAL DETERMINATION
DAS		OF JURISDICTIONAL DETERMINATION:
	A.	Waters defined under 33 CFR part 329 as "navigable waters of the United States":
	Ш	The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in
		the past, or may be susceptible for use to transport interstate or foreign commerce.
	В.	Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
	П	(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in
	h	interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
	П	(2) The presence of interstate waters including interstate wetlands <sup>1</sup> .
		(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats,
	1	sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or
		destruction of which could affect interstate commerce including any such waters (check all that apply):
		(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
		(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
		(iii) which are or could be used for industrial purposes by industries in interstate commerce.
		(4) Impoundments of waters otherwise defined as waters of the US.
	図	(5) The presence of a tributary to a water identified in $(1) - (4)$ above.
		(6) The presence of territorial seas.
		(7) The presence of wetlands adjacent <sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Black Branch is a surface tributary system, as such, subject to Section 404 of the CWA.

2 FILE NUMBER: D-16270 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Texas Department of Transportation **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. П Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for П the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is:

Aerial Photographs (Name & Date): January, 1995

Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Other photographs (Date):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** CESWG-PE-RC

FILE NUMBER: D-16009

## PROJECT LOCATION INFORMATION:

State:

Texas

County:

Harris Center coordinates of site (latitude/longitude):

29.5946°N, 95.2631°W

Approximate size of area (parcel) reviewed, including uplands:

Name of nearest waterway: Clear Creek Name of watershed: Clear Creek

## JURISDICTIONAL DETERMINATION

**Completed:** Desktop determination

Date: 28 December 2004

Site visit(s)

Date(s): 22 October 2004

# Jurisdictional Determination (JD):

2	Preliminary JD - Based on available information, \( \square \) there appear to be (or) \( \square \) there appear to be no "waters of the
	United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
	(Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

Mattheware "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

# BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wetlands in close proximity to Clear Creek which flows into Galveston Bay.

FILE NUMBER: D-16009 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)

,	<b>3</b>	Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris	Hig	h Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore)
		changes in the character of soil	H	physical markings/characteristics
		destruction of terrestrial vegetation		tidal gages
		shelving		other:
		other:		
I	*	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vege	ation	lines/changes in vegetation types.
	X	Wetland boundaries, as shown on the attached wetland delinea Environmental Consultants & Management Services	tion n	nap and/or in a delineation report prepared by:
	Basi	s For Not Asserting Jurisdiction:		
F		The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a	V1 2	or 4.7)
Ì		Headquarters declined to approve jurisdiction on the basis of 3.	)(1, 2 1 CFF	, 0F 4-7). 2 nart 328 3(a)/3)
Ī		The Corps has made a case-specific determination that the follounited States:	wing	waters present on the site are not Waters of the
		Waste treatment systems, including treatment ponds or Artificially irrigated areas, which would revert to uplan	lagoo d if th	ons, pursuant to 33 CFR part 328.3.
		Artificial lakes and ponds created by excavating and/or	dikin	g dry land to collect and
		retain water and which are used exclusively for such pu	rpose	s as stock watering, irrigation, settling basins, or
		rice growing.  Artificial reflecting or swimming pools or other small o	rname	ental bodies of water created
		by excavating and/or diking dry land to retain water for	prima	arily aesthetic reasons.
		Water-filled depressions created in dry land incidental t	o con	struction activity and pits excavated in dry land for
		the purpose of obtaining fill, sand, or gravel unless and	until 1	the construction or excavation operation is
		abandoned and the resulting body of water meets the de 328.3(a).	imitic	on of waters of the United States found at 33 CFR
		Isolated, intrastate wetland with no nexus to interstate c	omme	erce.
		Prior converted cropland, as determined by the Natural		
		Non-tidal drainage or irrigation ditches excavated on dr Other (explain):	y lanc	f. Explain rationale:
DATA	RI	EVIEWED FOR JURSIDICTIONAL DETERMINATION (Maps, plans, plots or plat submitted by or on behalf of the appli	marl	k all that apply):
		Data sheets prepared/submitted by or on behalf of the applicant.	cant.	
		This office concurs with the delineation report, dated 23 No	vemb	per 2004 prepared by (company):
				nvironmental Consultants & Management Services
_	_	This office does not concur with the delineation report, date	d	, prepared by (company):
ě		Data sheets prepared by the Corps.		
		Corps' navigable waters' studies:		
<u> </u>	7	U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: 1995 Pe		
8	i	U.S. Geological Survey 7.5 Minute Topographic maps. 1993 Fe	arran	u
ă	Īι	U.S. Geological Survey 15 Minute Historic quadrangles:		
4	J	USDA Natural Resources Conservation Service Soil Survey:		
	]	National wetlands inventory maps:		
<u> </u>		State/Local wetland inventory maps:	0.2	
	1	FEMA/FIRM maps (Map Name & Date): Harris County Digital 100-year Floodplain Elevation is: (NGVD)	ŲЗ	
×		Aerial Photographs (Name & Date): 1995 Pasadena DOQQ		
1	(	Other photographs (Date):		
8	I	Advanced Identification Wetland maps:		
$ \boxtimes $		Site visit/determination conducted on: 22 October 2004		
3	1 A	Applicable/supporting case law: Other information (please specify):		
122	<b>,</b>	one internation (prease specify).		

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE: CESWG-PE-RC** 

FILE NUMBER: D-16391

## PROJECT LOCATION INFORMATION:

State:

Texas Harris

County:

Center coordinates of site (latitude/longitude):

29.7823°N, 95.0020°W

Approximate size of area (parcel) reviewed, including uplands:

Name of nearest waterway: Goose Creek Name of watershed: Goose Creek

Site visit(s)

# JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 29 December 2004

Date(s): 10 November 2004

# Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \subseteq \text{there appear to be (or) } \subseteq \text{there appear to be no "waters of the property of United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

Harman There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

Mattheware "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

## BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
  - (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
  - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Goose Creek flows into Goose Lake, Tabbs Bayou and Galveston Bay

FILE NUMBER: D-16391 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: П Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  $\Box$ Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated 17 December 2003, prepared by (company): Crouch Environmental Servies This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: 1995 Highlands & 1995 Mont Belvieu U.S. Geological Survey 7.5 Minute Historic quadrangles: 1982, 1967, 1955, 1920 Highlands & 1982, 1961, 1943, 1920 Mont Belvieu U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: 1976 Harris County National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): • 1995, 1989, 1981, 1971, 1964, 1953, Aerial Photos

Other photographs (Date): 1995 Highland & Mont Belvieu DOQQ

Site visit/determination conducted on: 10 November 2004

Advanced Identification Wetland maps:

Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

**DISTRICT OFFICE: CESWG** FILE NUMBER: D-16826

## PROJECT LOCATION INFORMATION:

State:

Texas

County:

Matagorda

Center coordinates of site (latitude/longitude):

Lat: 28-56-4.3952 Long: 96-12-31.0090

Approximate size of area (parcel) reviewed, including uplands: 0.12 acres.

Name of nearest waterway: Tributary to Wallace Creek

Name of watershed: Central Matagorda Bay

## JURISDICTIONAL DETERMINATION

**Completed:** Desktop determination

Date: 27 December 2004

Date(s):

# Jurisdictional Determination (JD):

Site visit(s)

繫	Preliminary JD - Based on available information, \( \square \) there appear to be (or) \( \square \) there appear to be no "waters of the
	United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
	(Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

Mac There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

Marcher ere "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

# BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - [1] (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

_	FILE NUMBER: D-16826
La Gas	steral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)
100	Ordinary High Water Mark indicated by:  ☐ clear, natural line impressed on the bank ☐ oil or scum line along shore objects
	clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore)
	changes in the character of soil physical markings/characteristics
	destruction of terrestrial vegetation destruction of terrestrial vegetation
	☐ shelving ☐ other:
	other:
Ø	Manu High Water Mark in Proceedings
100	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	but vey to available datum, \( \subseteq \) physical markings, \( \subseteq \) vegetation lines/changes in vegetation types.
M	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Berg-Oliver Associates and Gulf Coast Engineering and Surveying
	2015 On to Associates and Out Coast Engineering and Surveying
	sis For Not Asserting Jurisdiction:
X	
推	Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).
<b>3</b>	Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).
331	The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:
	Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
	Artificially irrigated areas, which would revert to upland if the irrigation ceased.
	Artificial lakes and ponds created by excavating and/or diking dry land to collect and
	retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or
	rice growing.
	Artificial reflecting or swimming pools or other small ornamental bodies of water created
	by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for
	Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is
	abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR
	328.3(a).
	Isolated, intrastate wetland with no nexus to interstate commerce.
	Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation disches avecuated on devilond. Evaluity actionals
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
DATA I	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):
X	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.
	This office concurs with the delineation report, dated , prepared by (company):
	This office does not concur with the delineation report, dated , prepared by (company):
$\mathbf{z}$	Data sheets prepared by the Corps.
<b>**</b>	Corps' navigable waters' studies:
X	U.S. Geological Survey Hydrologic Atlas:
M	U.S. Geological Survey 7.5 Minute Topographic maps: Midfield, Tex. Photorevised 1973
<u>41</u>	U.S. Geological Survey 7.5 Minute Historic quadrangles:
<u>왕</u> 당리	U.S. Geological Survey 15 Minute Historic quadrangles:
	USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps:
同	State/Local wetland inventory maps:
<b>a</b>	FEMA/FIRM maps (Map Name & Date):
	100-year Floodplain Elevation is: 86 (NGVD)
$\boxtimes$	Aerial Photographs (Name & Date): 1995 Infrared Aerial
	Other photographs (Date):
	Advanced Identification Wetland maps:
<b>*</b>	Site visit/determination conducted on: Applicable/supporting case law:
<b>a</b>	Other information (please specify):
	· /L//.

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG-PE-RC

FILE NUMBER: D-16226

## PROJECT LOCATION INFORMATION:

State: Texas County: Harris

Center coordinates of site (latitude/longitude):

UTM 15 245512E 3312583N

Approximate size of area (parcel) reviewed, including uplands:

acres.

Name of nearest waterway: Horsepen Bayou Name of watershed: Horsepen Bayou

# JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

152

Date: 28 December 2004

Date(s):

# Jurisdictional Determination (JD):

$\bowtie$	Preliminary JD - Based on available information, \( \subseteq \text{ there appear to be (or) } \subsete  there appear to be no "waters of the appear to be no" waters of the appear to be no "waters of the appear to be no" waters of the appear to be no "waters of the appear to be no" waters of the appear to be no "waters of the appear to be no" waters of the appear to be no "waters of the appear to be no" waters of the appear to be no "waters of the appear to be no" waters of the appear to be no "waters of the appear to be no" waters of the appear to be no "waters of the appear to be no" waters of the appear to be no "waters of the appear to be no" waters of the appear to be no "waters of the appear to be no" waters of the appear to be no "waters of the appear to be no" waters of the appear to be no "waters of the appear to be no" waters of the appear to be no "waters of the appear to be no" waters of the appear to be no "waters of the appear to be no" waters of the appear to be no "waters of the appear to be no" waters of the appear to be no "waters of the appear to be no" waters of the appear to be no "waters of the appear to be no" waters of the appear to be no "waters of the appear to be no "waters of the appear to be no" waters of the appear to be no "waters of the appear to be no "waters" of the appear to be no "waters of the appear to be no "waters of the appear to be no "waters of the appear to be no "waters"
	United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
	(Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. 7

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

#### BASIS OF JURISDICTIONAL DETERMINATION:

A	Waters defined	Lunder 33 C	'FR nart 329 a	s "navigable waters	of the United States".

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

# Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

  (ii) from which fish or shellfish are or could be taken and a little an
- (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- (iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-16226

	eral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ physical markings/characteristics
	destruction of terrestrial vegetation tidal gages shelving other:
2	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: No indication of waters or wetlands  Other (explain):
DATA F	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: 19995 Cypress  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 16 Minute Historic quadrangles:  U.S. Geological Survey 17 Minute Historic quadrangles:  U.S. Geological Survey 18 Minute Historic quadrangles:  U.S. Geological Survey 19 Minute His

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE: CESWG-PE-RC** 

FILE NUMBER: D-16405

# PROJECT LOCATION INFORMATION:

State:

Texas

County: Harris

Center coordinates of site (latitude/longitude):

UTM 15 227962E 3311265N

Approximate size of area (parcel) reviewed, including uplands:

Name of nearest waterway: Bear Creek & South Mayde Creek

Name of watershed: Cypress Creek

## JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 16 December 2004 Date(s): 15 December 2004

#### Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \subseteq \text{ there appear to be (or)} \subseteq \text{ there appear to be no "waters of the appear to be no "waters" of the subseteq \( \text{there appear to be no "waters"} \)
United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
(Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

Machine There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

Mathematical There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

# BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wetlands are inclose proximity to Cypress, Bear and South Mayde Creeks and have direct a hydrological surface connection to South Mayde Creek

FILE NUMBER: D-16405

1.	stard Extant of Invidintions (Defended 22 OFF)			
	steral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)			
22	Ordinary High Water Mark indicated by:  High Tide Line indicated by:			
	clear, natural line impressed on the bank oil or scum line along shore objects			
	the presence of litter and debris fine shell or debris deposits (foreshore)			
	changes in the character of soil physical markings/characteristics			
	destruction of terrestrial vegetation tidal gages			
	snerving other:			
	Unier.			
336	Mary W. J. W. C. M. C. C.			
74				
	survey to available datum; physical markings; vegetation lines/changes in vegetation types.			
-				
X	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:			
	Delineation report does not accurately represent site.			
Ba	sis For Not Asserting Jurisdiction:			
	The reviewed area consists entirely of uplands.			
11 23	Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).			
37	Handquarters dealined to ensure in it is 55 CFR part 528(a)(1, 2, or 4-7).			
T	Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).			
ш	The Corps has made a case-specific determination that the following waters present on the site are not Waters of the			
	United States;			
	Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.			
	Artificially irrigated areas, which would revert to upland if the irrigation ceased.			
	Artificial lakes and ponds created by excavating and/or diking dry land to collect and			
	retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or			
	rice growing.			
	by excavating and/or diking dry land to retain water for primarily aesthetic reasons.			
	Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for			
	the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is			
	abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR			
	328.3(a).			
	Isolated, intrastate wetland with no nexus to interstate commerce.			
	Prior converted cropland as determined by the Notice Prior crop crop crop crop crop crop crop cr			
	Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:			
	Non-tidal desirance an iminative 1/2.1			
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain)			
	Other (explain):			
DATA	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):			
M	Maps, plans, plots or plat submitted by or on behalf of the applicant.			
$\bowtie$	Data sheets prepared/submitted by or on behalf of the applicant.			
	This office concurs with the delineation report, dated , prepared by (company):			
	This office does not concur with the delineation report, dated 30 April 2004, prepared by (company):			
$\boxtimes$	Data sheets prepared by the Corps.  Berg Oliver Associates			
量				
	Corps' navigable waters' studies:			
旦	U.S. Geological Survey Hydrologic Atlas:			
M	U.S. Geological Survey 7.5 Minute Topographic maps: 1995 Warren Lake			
2	U.S. Geological Survey 7.5 Minute Historic quadrangles:			
差	U.S. Geological Survey 15 Minute Historic quadrangles:			
X	USDA Natural Resources Conservation Service Soil Survey: August 1976 Harris County			
菌	National wetlands inventory maps:			
峝				
	State/Local wetland inventory maps:			
FEMA/FIRM maps (Map Name & Date): November 1999 Harris County				
100-year Floodplain Elevation is: (NGVD)				
×	Aerial Photographs (Name & Date): •1980, 1993, 1998 & 2002 Landiscorp, 1995 Warren Lake DOQQ			
數	Other photographs (Date):			
猛	Advanced Identification Wetland maps:			
$\overline{\boxtimes}$	Site visit/determination conducted on: 15 December 2004			
T.	Applicable/supporting case law:			
	Other information (please specify):			
Test)	omor information (picase specify).			

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

**DISTRICT OFFICE:** CESWG-PE-RC

FILE NUMBER: D-16395

## PROJECT LOCATION INFORMATION:

State: Texas County: Jefferson

Center coordinates of site (latitude/longitude): UTM 15 399817E 3335897N

Approximate size of area (parcel) reviewed, including uplands: acres.

Name of nearest waterway: Tiger Creek Name of watershed: Neches River

# JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 29 December 2004 Date(s): 27 November 204

# Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \( \subseteq \text{there appear to be (or)} \subseteq there appear to be no "waters of the appear to be no" available information.
United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
(Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. 12

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

# BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use ir
 interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

	Cordinary High Water Mark indicated by:
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas X	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	<ul><li>Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:</li><li>Other (explain):</li></ul>
DATA F	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps: 1995 Pine Forest  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 16 Minute Historic quadrangles:  U.S. Geological Survey 17.5 Minute Historic quadrangles:  U.S. Geological Survey 18 Minute Historic quadrangles:  U.S. Geological Survey 1995 Pine Forest  Survey: Jefferson County  National wetlands inventory maps:  (NGVD)  Aerial Photographs (Name & Date): 1995 Pine Forest DOQQ  Other photographs (Name & Date): 1995 Pine Forest DOQQ  Other photographs (Name & Date): 1995 Pine Forest DOQQ  Advanced Identification Wetland maps:  Site visit/determination conducted on: 27 December 2004  Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** CESWG **FILE NUMBER:** 23342(01)

PROJE	CT LOCATION I	NFORMATION:		
Cer Ap Na	unty: Brazoria nter coordinates of s proximate size of are	ite (latitude/longitud	, including ver	UTM (nad27) Zone 15, 240955E, 3215351N g uplands: 0.03 acres.
	DICTIONAL DETE mpleted: Desktop Site visit	determination	⊠ □	Date: 12/22/04 Date(s):
Jur	risdictional Determ	ination (JD):		
	Preliminary JD - B United States" and (Reference 33 CFF	l/or "navigable water	formation, s of the U	there appear to be (or) there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable
Ø	Approved JD – An Check all that appl		ppealable	action (Reference 33 CFR part 331).
	There are "nav the reviewed area.	igable waters of the Approximate size o	United Sta f jurisdicti	ates" (as defined by 33 CFR part 329 and associated guidance) within ional area:
	There are "watereviewed area. Ap	ers of the United Sta pproximate size of jui	tes" (as d	efined by 33 CFR part 328 and associated guidance) within the ll area:
	There are "isol	lated, non-navigable, Decision supported Jurisdiction.	intra-stat by SWAI	te waters or wetlands" within the reviewed area.  NCC/Migratory Bird Rule Information Sheet for Determination of No.
	Waters defined up. The presence of wa	iters that are subject	29 as "na to the ebb	vigable waters of the United States": and flow of the tide and/or are presently used, or have been used in tinterstate or foreign commerce.
B.	(1) The presence of	f waters, which are c	urrently us	"waters of the United States": sed, or were used in the past, or may be susceptible to use in ers which are subject to the ebb and flow of the tide.
	(2) The presence of (3) The presence of sandflats, wetlands destruction of whic   i (i) which are o (iii) from which (iii) which are	f interstate waters inc f other waters such as , sloughs, prairie pot th could affect interstor or could be used by in h fish or shellfish are	cluding int is intrastate holes, wet tate comm iterstate or or could l industrial	terstate wetlands <sup>1</sup> .  Elakes, rivers, streams (including intermittent streams), mudflats, meadows, playa lakes, or natural ponds, the use, degradation or erce including any such waters (check all that apply):  To foreign travelers for recreational or other purposes.  The taken and sold in interstate or foreign commerce.  The purposes by industries in interstate commerce.
	<ul><li>(5) The presence of</li><li>(6) The presence of</li><li>(7) The presence of</li></ul>	f a tributary to a wate f territorial seas. f wetlands adjacent <sup>2</sup> t	er identifie	d in $(1)$ – $(4)$ above. atters of the US, except for those wetlands adjacent to other wetlands.
Kati	onale for the Racic	or Inrisdictional Da	eterminat	ion (annlies to any house checked above). If the jurisdictional

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: 233426 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation ☐ tidal gages shelving other: as stated by applicant other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): ☐ This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Sweeny, TX U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey:
National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date):
Other photographs (Date):
Advanced Identification Wetland ma Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):



Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG FILE NUMBER: 23628

St Co Co Ap Na	tate: Texas county: San Jacinto enter coordinates of site (latitus, pproximate size of area (parce) fame of nearest waterway: Lak fame of watershed: Lower Trin	nde/longitude): 30' il) reviewed, inclu e Livingston	° 37' 02"N, 95° ding uplands: _	03' 06"W (NAD2 0.085 acre.	7)	
	SDICTIONAL DETERMINA completed: Desktop determination Site visit(s)		Date: 27 I Date(s):	December 2004		
Ju	urisdictional Determination (	(JD):				
	Preliminary JD - Based on United States" and/or "nav (Reference 33 CFR part 33	igable waters of th	tion, [] there and the United States	ppear to be (or) [ " on the project si	] there appear to be te. A preliminary JI	no "waters of the D is not appealable
Ø	Approved JD – An approve Check all that apply:	ed JD is an appeala	able action (Ref	erence 33 CFR pa	urt 331).	
	★ There are "navigable we the reviewed area. Approx	aters of the United imate size of juris	d States" (as def dictional area:	ined by 33 CFR p 0.085 acre	art 329 and associate	ed guidance) within
	There are "waters of the reviewed area. Approximate	e United States" ( te size of jurisdict	as defined by 33 ional area:	3 CFR part 328 an	d associated guidan	ce) within the
	There are "isolated, nor Decisio Jurisdic	n supported by SV	-state waters or WANCC/Migra	wetlands" within tory Bird Rule Inf	the reviewed area. ormation Sheet for I	Determination of No
A.	OF JURISDICTIONAL DE Waters defined under 33 ( The presence of waters that the past, or may be suscepti	CFR part 329 as are subject to the	"navigable wat ebb and flow of	the tide and/or ar	e presently used, or	have been used in
B.	<ul><li>(1) The presence of waters, interstate or foreign comme</li><li>(2) The presence of interstat</li></ul>	which are currently ree, including all values waters including atters such as intract, prairie potholes, affect interstate cone used by interstate shellfish are or conbe used for industry to a water idental seas.	ly used, or were waters which are ginterstate wetlestate lakes, river wet meadows, mmerce includite or foreign trauld be taken and trial purposes by d as waters of the tified in (1) – (4)	used in the past, of e subject to the eb ands <sup>1</sup> .  rs, streams (includ playa lakes, or nating any such water velers for recreation and interstate y industries in interest above.	or may be susceptible and flow of the tide ling intermittent streamal ponds, the use, are (check all that apponal or other purposs or foreign commerce erstate commerce.	de.  ams), mudflats, degradation or oly): ses. ce.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). The proposed boathouse is located within Lake Livingston.

La ⊠	clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation	High Tide oil o fine phys	23628 E Line indicated by: or scum line along shore objects shell or debris deposits (foreshore) sical markings/characteristics
	other: Applicant supplied plans, 131 elevation.	Othe	r:
U	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ v	egetation lines/	changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland del	ineation map an	d/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 3. Headquarters declined to approve jurisdiction on the basis. The Corps has made a case-specific determination that the United States:  Waste treatment systems, including treatment pond Artificially irrigated areas, which would revert to use Artificial lakes and ponds created by excavating and retain water and which are used exclusively for succince growing.  Artificial reflecting or swimming pools or other smale by excavating and/or diking dry land to retain water. Water-filled depressions created in dry land inciden the purpose of obtaining fill, sand, or gravel unless abandoned and the resulting body of water meets the 328.3(a).  Isolated, intrastate wetland with no nexus to interstate Prior converted cropland, as determined by the Nature Non-tidal drainage or irrigation ditches excavated or Other (explain):	of 33 CFR part 3 following water sor lagoons, pur pland if the irrig d/or diking dry length purposes as storall ornamental be for primarily actal to construction duntil the core definition of water commerce.	328.3(a)(3).  Its present on the site are not Waters of the resuant to 33 CFR part 328.3.  Its part of the result
	Maps, plans, plots or plat submitted by or on behalf of the a Data sheets prepared/submitted by or on behalf of the applic This office concurs with the delineation report, dated This office does not concur with the delineation report, Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps:  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  USDA Natural Resources Conservation Service Soil Survey National wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date):  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):	pplicant. cant. , prep dated	pared by (company):, prepared by (company):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG FILE NUMBER: 23629

Sta Co Cer Ap Nar	CT LOCATION INFORMATION:  te: Louisiana  unty: Calcasieu Parish  nter coordinates of site (latitude/longitude): 30° 05′ 38″N, 93° 41′ 10″W (NAD27)  proximate size of area (parcel) reviewed, including uplands:
	DICTIONAL DETERMINATION  mpleted: Desktop determination
Jur	risdictional Determination (JD):
	Preliminary JD - Based on available information, \( \subseteq \text{there appear to be (or) } \subseteq there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
×	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:3.5- acre
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.  Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
BASIS (	OF JURISDICTIONAL DETERMINATION:
	Waters defined under 33 CFR part 329 as "navigable waters of the United States":  The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
B	Waters defined under 33 CFR part 328.3(a) as "waters of the United States":  (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.  (2) The presence of interstate waters including interstate wetlands.  (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):  (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.  (iii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.  (iii) which are or could be used for industrial purposes by industries in interstate commerce.  (4) Impoundments of waters otherwise defined as waters of the US.  (5) The presence of a tributary to a water identified in (1) – (4) above.  (6) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). The project is located in a canal that is connected to the Sabine River and is influenced by daily tidal fluctuations.

	La	teral Extent of Jurisdiction: (Reference: 33 CFR parts 33	28 and 3	329)		23629
	Ш	Ordinary High Water Mark indicated by:	$\boxtimes$	High	h Tide Line indicated	
		clear, natural line impressed on the bank			oil or scum line alon	ng shore objects
		the presence of litter and debris			fine shell or debris d	
		changes in the character of soil			physical markings/cl	haracteristics
		destruction of terrestrial vegetation			tidal gages	
		shelving		$\boxtimes$	other: Data supplied	from the applicant
		other:				
		Mann High Water Morle in directed have				
	ш	Mean High Water Mark indicated by:			1. / 1	
		survey to available datum; physical markings;	] vegeta	tion	lines/changes in vege	tation types.
		Wetland boundaries, as shown on the attached wetland d	lelineati	on m	nap and/or in a deline	ation report prepared by:
					,	mon report propared by:
	Das	nia Fon Not Amentina Tentalist				
	Das	sis For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands.				
	Ħ	Unable to confirm the presence of waters in 33 CFR part	229(6)(	1 2	or 4.7)	
	П	Headquarters declined to approve jurisdiction on the basi	320(a)( is of 33	CFD	01 4-7). nort 328 3(a)(2)	
	Ħ	The Corps has made a case-specific determination that the	is ur 33 ie follos	CI K vina	. part 320.3(a)(3).	sita ana nat Watana - 641-
	-	United States:	ic follov	villg	waters present on the	site are not waters of the
		Waste treatment systems, including treatment por	nds or la	goor	ns. pursuant to 33 CFI	R nart 328 3
		Artificially irrigated areas, which would revert to	upland	if the	e irrigation ceased.	. Cpurt 320.5.
		Artificial lakes and ponds created by excavating a	and/or d	iking	g dry land to collect ar	nd
		retain water and which are used exclusively for su	uch purp	oses	s as stock watering, in	rigation, settling basins, or
		rice growing.				
		Artificial reflecting or swimming pools or other s	mall orr	name	ntal bodies of water c	reated
		by excavating and/or diking dry land to retain wal	ter for p	rima	rily aesthetic reasons.	
		Water-filled depressions created in dry land incide	ental to	cons	struction activity and p	pits excavated in dry land for
		the purpose of obtaining fill, sand, or gravel unless	s and u	ntil ti	he construction or exc	cavation operation is
		abandoned and the resulting body of water meets 328.3(a).	the defi	nitio	n of waters of the Uni	ited States found at 33 CFR
		Isolated, intrastate wetland with no nexus to inters	stata aar	<b></b>	***	
		Prior converted cropland, as determined by the Na	atural R	HHIC	rces Conservation Ser	ruiga Evalain estimata.
		Non-tidal drainage or irrigation ditches excavated	on dry	land	Evoluin rationale:	vice. Explain rationale:
		Other (explain):	01. 41)		. Explain futionale.	
DAT	A R	EVIEWED FOR JURSIDICTIONAL DETERMINAT	ION (		all 4h a4 an alah	
	Ø	Maps, plans, plots or plat submitted by or on behalf of the	n) MOL	IAFK nt	an that apply):	
	Ħ	Data sheets prepared/submitted by or on behalf of the app	appnea licant	u1t.		
,		This office concurs with the delineation report, dated			, prepared by (compa	unv).
		This office does not concur with the delineation repor	t. dated		, prepared by (compa	
		Data sheets prepared by the Corps.	·,		propured by (	company).
		Corps' navigable waters' studies:				
		U.S. Geological Survey Hydrologic Atlas:				
	X	U.S. Geological Survey 7.5 Minute Topographic maps:				
		U.S. Geological Survey 7.5 Minute Historic quadrangles:				
ļ	4	U.S. Geological Survey 15 Minute Historic quadrangles:				
2		USDA Natural Resources Conservation Service Soil Survey	ey:			
		National wetlands inventory maps:				
Į		State/Local wetland inventory maps:				
L		FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD)				
ļ	١.	100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date):				
	1	Other photographs (Date):				
ľ	Ħ Ì	Advanced Identification Wetland maps:				
ľ	<b>i</b>	Site visit/determination conducted on:				
2		Applicable/supporting case law:				
ř		Other information (please specify):				
•		* */				

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** CESWG **FILE NUMBER:** 21140(01)

	CT LOCATION INFOR	MATION:	•
Ce Ap Na	unty: Matagorda nter coordinates of site (lat proximate size of area (par me of nearest waterway: G	rcel) reviewed, includir	UTM 15 336608E 3224296N acres.
	pictional determination of the picture of the pictu		Date: 16 Dec 04 Date(s):
Jui	risdictional Determination	n (JD):	
	Preliminary JD - Based of United States" and/or "na (Reference 33 CFR part 2)	avigable waters of the l	n, there appear to be (or) there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable
Ø	Approved JD – An appro Check all that apply:	oved JD is an appealabl	e action (Reference 33 CFR part 331).
	There are "navigable the reviewed area. Appro	waters of the United S eximate size of jurisdic	tates" (as defined by 33 CFR part 329 and associated guidance) within tional area:
	There are "waters of reviewed area. Approxim	the United States" (as nate size of jurisdiction	defined by 33 CFR part 328 and associated guidance) within the al area:
	Decis	non-navigable, intra-sta sion supported by SWA diction.	ate waters or wetlands" within the reviewed area.  NCC/Migratory Bird Rule Information Sheet for Determination of No.
A.	The presence of waters th	3 CFR part 329 as "na at are subject to the ebl	avigable waters of the United States": o and flow of the tide and/or are presently used, or have been used in art interstate or foreign commerce.
B.	(1) The presence of water interstate or foreign comm (2) The presence of inters (3) The presence of other sandflats, wetlands, sloug destruction of which could (ii) which are or could (iii) from which fish of (iii) which are or could Impoundments of wate (5) The presence of a tribut (6) The presence of territors	rs, which are currently unerce, including all wall tate waters including in waters such as intrastaths, prairie potholes, we display a single display and the used by interstate corresponds to the used for industriaters otherwise defined a putary to a water identification of the used.	te lakes, rivers, streams (including intermittent streams), mudflats, at meadows, playa lakes, or natural ponds, the use, degradation or nerce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. be taken and sold in interstate or foreign commerce. I purposes by industries in interstate commerce.
Rati wate	onale for the Basis of Jur	risdictional Determina navigable water of the	tion (applies to any boxes checked above). If the jurisdictional United States, describe connection(s) to the downstream navigable

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

**FILE NUMBER: 21140(01)** Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation □ tidal gages shelving other: Plans other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps.
Corps' navigable waters' studies Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** Galveston District

FILE NUMBER: D-16818

DD	$\mathbf{a}$	IF.	CT	T .	$\alpha$	٦.	T		N	T	JE	$\mathbf{\alpha}$	D	M	A	TI	n	N	٠.
rĸ	٧J.	JPZ			w	JΑ		w	ЛN		4 F	.,	ĸ	VI.	А	. 1 1	u	/ 7	

State:

Texas

County: Harris County

Center coordinates of site (latitude/longitude):

29-49-41.22 / 95-4-42.20

Approximate size of area (parcel) reviewed, including uplands: 0.011 acres.

Name of nearest waterway: San Jacinto River Name of watershed: San Jacinto River

JURISDICTIONAL DETERMINATION

Completed:	Desktop determination	$\boxtimes$	Date: 29 December 2004			
	Site visit(s)		Date(s):			

# Jurisdictional Determination (JD):

Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the
United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
(Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.011 acres.

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No

#### BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
  - (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-16818

La S	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  □ clear, natural line impressed on the bank □ the presence of litter and debris □ changes in the character of soil □ destruction of terrestrial vegetation □ shelving □ other:  □ tigh Tide Line indicated by: □ oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics □ tidal gages other:
×	Mean High Water Mark indicated by:  ⊠ survey to available datum; ⊠ physical markings; ⊠ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Ba	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
DATA I	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 16 Minute Historic quadrangles:  U.S.

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** Galveston District

FILE NUMBER: D-16803

	Chibbin D 10005		
Sta Co Ce Ap Na	ct Location information: te: Texas unty: Walker nter coordinates of site (latitude/longitu proximate size of area (parcel) reviewe me of nearest waterway: Parker Creek me of watershed: Trinity River		ng uplands: 9.6 acres.
	pictional DETERMINATION mpleted: Desktop determination Site visit(s)		Date: 29 Dec 2004 Date(s):
Jui	isdictional Determination (JD):		
	Preliminary JD - Based on available in United States" and/or "navigable wat (Reference 33 CFR part 331).	nformation ers of the U	n, $\square$ there appear to be (or) $\square$ there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable
Ø	Approved JD – An approved JD is an Check all that apply:	appealabl	e action (Reference 33 CFR part 331).
	There are "navigable waters of the reviewed area. Approximate size	e United Si of jurisdic	tates" (as defined by 33 CFR part 329 and associated guidance) within tional area:
	★ There are "waters of the United S reviewed area. Approximate size of j	tates" (as urisdiction	defined by 33 CFR part 328 and associated guidance) within the nal area: undetermined.
			ate waters or wetlands" within the reviewed area.  ANCC/Migratory Bird Rule Information Sheet for Determination of No.
BASIS (	OF JURISDICTIONAL DETERMIN	ATION:	
A.	Waters defined under 33 CFR part The presence of waters that are subject the past, or may be susceptible for use	t to the ebl	avigable waters of the United States": b and flow of the tide and/or are presently used, or have been used in ort interstate or foreign commerce.
B. □ ⊠	interstate or foreign commerce, include (2) The presence of interstate waters it (3) The presence of other waters such	currently ling all wan ncluding in as intrasta	used, or were used in the past, or may be susceptible to use in ters which are subject to the ebb and flow of the tide.
	destruction of which could affect inter  (i) which are or could be used by  (ii) from which fish or shellfish a	state comr interstate or re or could or industria	merce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. I be taken and sold in interstate or foreign commerce. al purposes by industries in interstate commerce.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

(5) The presence of a tributary to a water identified in (1) – (4) above.
 (6) The presence of territorial seas.
 (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

2 FILE NUMBER: D-16803 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date):

Other photographs (Date):

Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** Galveston District

FILE N	IUMBER: D-16754 / 23604
Sta Co Ce Ap Na	ACT LOCATION INFORMATION:  tte: Texas  unty: San Jacinto  nter coordinates of site (latitude/longitude): 30-40-56.35 / 95-9-44.78  proximate size of area (parcel) reviewed, including uplands: 0.16 acres.  me of nearest waterway: Lake Livingston  me of watershed: Trinity River
	DICTIONAL DETERMINATION  mpleted: Desktop determination
Ju	risdictional Determination (JD):
	Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
×	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	☐ There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.16 acres.
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.16 acres.
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.  Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
BASIS (	OF JURISDICTIONAL DETERMINATION:
A.	Waters defined under 33 CFR part 329 as "navigable waters of the United States":  The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
B	Waters defined under 33 CFR part 328.3(a) as "waters of the United States":  (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.  (2) The presence of interstate waters including interstate wetlands.  (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):  (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.  (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.  (iii) which are or could be used for industrial purposes by industries in interstate commerce.
Б	<ul> <li>(4) Impoundments of waters otherwise defined as waters of the US.</li> <li>(5) The presence of a tributary to a water identified in (1) – (4) above.</li> </ul>

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

(6) The presence of territorial seas.
(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

FILE NUMBER: D-16754 / 23604

	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: TRA pool elevation 131'  High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
$\boxtimes$	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	is For Not Asserting Jurisdiction:  The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Other (explain):
	Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps:  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Autural Resources Conservation Service Soil Survey:  National wetlands inventory maps:  State/Local wetland inventory maps:  FEMA/FIRM maps (Map Name & Date):  100-year Floodplain Elevation is: (NGVD)  Aerial Photographs (Name & Date):  Other photographs (Date):  Advanced Identification Wetland maps:  Site visit/determination conducted on:  Applicable/supporting case law:  Other information (please specify):

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT	<b>OFFICE:</b>	Galveston	District
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FILE NUMBER: D-16784

PROJECT LOCATION INFORMATION:	
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State: Texas County: Chambers

Center coordinates of site (latitude/longitude): 29-46-4.81 / 94-38-9.10 Approximate size of area (parcel) reviewed, including uplands: 0.03 acres.

Name of nearest waterway: West Fork Double Bayou

Name of watershed: Trinity River

		Desktop determination Site visit(s)		Date: 27 Dec 04 Date(s):		
		Site visit(s)		Date(s).		
Juri	sdictiona	l Determination (JD):				
	United S	ary JD - Based on available in tates" and/or "navigable water ce 33 CFR part 331).	formation rs of the U	, there appear to be (or) there appear to be no "waters of the inited States" on the project site. A preliminary JD is not appealable		
		d JD – An approved JD is an a l that apply:	appealable	action (Reference 33 CFR part 331).		
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.03 acres.					
	The state of the s	e are "waters of the United State area. Approximate size of ju	•	defined by 33 CFR part 328 and associated guidance) within the all area: 0.03 acres.		
	There			te waters or wetlands" within the reviewed area.  NCC/Migratory Bird Rule Information Sheet for Determination of No		

#### BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- [ (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
  - (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-16784

	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:    clear, natural line impressed on the bank
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
DATA F	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 16 Minute Historic quadrang

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**DISTRICT OFFICE:** CESWG **FILE NUMBER:** D-16536

PROJE	ECT LOCATION INFORMATION:	
Co Ce Ap Na	rate: Tx ounty: Hardin enter coordinates of site (latitude/longitude): pproximate size of area (parcel) reviewed, includi ame of nearest waterway: Neches River ame of watershed: Neches	Utm zone 15, 385183 E, 3340066N ng uplands: 0.21 acres.
	DICTIONAL DETERMINATION  completed: Desktop determination  Site visit(s)	Date: 12/10/04 Date(s):
Ju	risdictional Determination (JD):	
	Preliminary JD - Based on available information United States" and/or "navigable waters of the (Reference 33 CFR part 331).	on, $\square$ there appear to be (or) $\square$ there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable
	Approved JD – An approved JD is an appealab Check all that apply:	le action (Reference 33 CFR part 331).
	There are "navigable waters of the United the reviewed area. Approximate size of jurisdi	States" (as defined by 33 CFR part 329 and associated guidance) within ctional area:
	☐ There are "waters of the United States" (as reviewed area. Approximate size of jurisdiction	defined by 33 CFR part 328 and associated guidance) within the nal area: 0.21.
	There are "isolated, non-navigable, intra-s  Decision supported by SW  Jurisdiction.	tate waters or wetlands" within the reviewed area.  ANCC/Migratory Bird Rule Information Sheet for Determination of No
BASIS (	OF JURISDICTIONAL DETERMINATION:	
	Waters defined under 33 CFR part 329 as "1	bb and flow of the tide and/or are presently used, or have been used in
B.	(1) The presence of waters, which are currently interstate or foreign commerce, including all w	used, or were used in the past, or may be susceptible to use in aters which are subject to the ebb and flow of the tide.
	sandflats, wetlands, sloughs, prairie potholes, wetlands, sloughs, prairie potholes, wetlands destruction of which could affect interstate com (i) which are or could be used by interstate (ii) from which fish or shellfish are or could (iii) which are or could be used for industry (4) Impoundments of waters otherwise defined (5) The presence of a tributary to a water identity (6) The presence of territorial seas.	ate lakes, rivers, streams (including intermittent streams), mudflats, et meadows, playa lakes, or natural ponds, the use, degradation or merce including any such waters (check all that apply): or foreign travelers for recreational or other purposes. d be taken and sold in interstate or foreign commerce. al purposes by industries in interstate commerce. as waters of the US.
Rat wate	tionale for the Basis of Jurisdictional Determin ter or wetland is not itself a navigable water of th	ation (applies to any boxes checked above). If the jurisdictional e United States, describe connection(s) to the downstream navigable

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

D-16536 FILE NUMBER: D-16534

La≀ ⊠	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  ☐ clear, natural line impressed on the bank ☐ the presence of litter and debris ☐ changes in the character of soil ☐ destruction of terrestrial vegetation ☐ shelving ☐ other: Applicant's plans ☐ or scum line along shore objects ☐ fine shell or debris deposits (foreshore) ☐ physical markings/characteristics ☐ tidal gages ☐ other:
	Mean High Water Mark indicated by:  ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  Data sheets prepared/submitted by or on behalf of the applicant.  This office concurs with the delineation report, dated , prepared by (company):  This office does not concur with the delineation report, dated , prepared by (company):  Data sheets prepared by the Corps.  Corps' navigable waters' studies:  U.S. Geological Survey Hydrologic Atlas:  U.S. Geological Survey 7.5 Minute Topographic maps:  U.S. Geological Survey 7.5 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrangles:  U.S. Acological Survey 15 Minute Historic quadrangles:  U.S. Acological Survey 15 Minute Historic quadrangles:  U.S. Geological Survey 15 Minute Historic quadrang

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

## JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

**DISTRICT OFFICE: CESWG-PE-RC** 

FILE NUMBER: D-16740

<b>PROJE</b>	CT LOCATI	ON INFO	RMATION:		
Stat	e: Te	exas			
Cou	inty: B	razoria			
			atitude/longitude		29 -32'-28" / 95 -19'-13"
App	roximate size	e of area (p	arcel) reviewed,	including	uplands: 1 acres.
Nan	ne of nearest	waterway:	Mary's Creek		
Nan	ne of watersh	ed: Čle	ear Creek		
<b>JURISD</b>	ICTIONAL	DETERM	INATION		
Cor	npleted: D	esktop dete	rmination	$\boxtimes$	Date: 17 December 2004
	=	te visit(s)			Date(s):
	51	110 11311(3)		E22.1	Duto(3).
Jur	isdictional D	eterminati	on (JD):		
3.7 3.7	Preliminary	JD - Based	l on available in	formation,	$\Box$ there appear to be (or) $\Box$ there appear to be no "waters of the
					nited States" on the project site. A preliminary JD is not appealable
	(Reference				
	`	•	,		
$\boxtimes$	Approved J	D – An app	roved JD is an a	ppealable	action (Reference 33 CFR part 331).
	Check all th				1 /
		11.5			
	There ar	e "navigab	le waters of the	United Sta	ates" (as defined by 33 CFR part 329 and associated guidance) within
			proximate size o		
			,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	- j	
	There ar	e "waters o	of the United Sta	tes" (as d	efined by 33 CFR part 328 and associated guidance) within the
	reviewed ar	ea Annrox	imate size of in	risdictiona	il area: 0.047 acres.
	10110110G ar	ou. rippron	ace bide or just		
	There ar	e "isolated	l non-navigable	intra-stai	te waters or wetlands" within the reviewed area.
	Tricre di				NCC/Migratory Bird Rule Information Sheet for Determination of No
	<u> </u>		isdiction.		
			154.41.51.1		
BASIS (	F JURISDI	CTIONAL	DETERMINA	TION:	
					vigable waters of the United States":
A.	The presence	e of waters	that are subject	to the ehh	and flow of the tide and/or are presently used, or have been used in
لنتا					t interstate or foreign commerce.
	the past, of i	may be suse	repulble for use j	io transpor	interstate of foreign commerce.
В.	Waters defi	inad undar	33 CED part 3	28 3(a) as	"waters of the United States":
					sed, or were used in the past, or may be susceptible to use in
L-2-1	interestate or	foreign cor	mmarca includi	na all wate	ers which are subject to the ebb and flow of the tide.
[E]					terstate wetlands <sup>1</sup> .
(2) Rai					e lakes, rivers, streams (including intermittent streams), mudflats,
					t meadows, playa lakes, or natural ponds, the use, degradation or
					nerce including any such waters (check all that apply):
					r foreign travelers for recreational or other purposes.
					be taken and sold in interstate or foreign commerce.
E TOTAL					purposes by industries in interstate commerce.
					s waters of the US.
M	` '		•	er identifie	ed in (1) – (4) above.
	(6) The pres	ence of terr	itorial seas.	4 41	
X	(/) The pres	ence of wet	liands adjacent	to otner w	raters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The wetlands are adjacent because they are located within the 100-year floodplain of and are contiguous with Mary's Creek, a non-navigable water of the United States that is a tributary to Clear Creek, a navigable water of the United States. Therefore, Mary's Creek and its adjacent wetlands are only subject to Section 404 of the Clean Water Act (Section 404). Section 404 regulates the discharge of dredged or fill material into waters of the United States, including adjacent wetlands. Any discharge of dredged or fill material into Mary's Creek and/or its adjacent wetlands is subject to Corps of Engineers jurisdiction pursuant to Section 404 and will require a Department of the Army permit.

FILE NUMBER: D-16740

	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)  Ordinary High Water Mark indicated by:  Clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:  High Tide Line indicated by:  Gillor scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
28	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands.  Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).  Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).  The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:  Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.  Artificially irrigated areas, which would revert to upland if the irrigation ceased.  Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).  Isolated, intrastate wetland with no nexus to interstate commerce.  Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:  Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:  Other (explain):
Ka	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply):  Maps, plans, plots or plat submitted by or on behalf of the applicant.  □ At sheets prepared/submitted by or on behalf of the applicant. □ This office concurs with the delineation report, dated 18 October 2004, prepared by (company): Berg Oliver Ass. □ This office does not concur with the delineation report, dated 18 October 2004, prepared by (company): Data sheets prepared by the Corps.  □ Corps' navigable waters' studies: □ U.S. Geological Survey Hydrologic Atlas: □ U.S. Geological Survey 7.5 Minute Topographic maps: Pearland, TX □ U.S. Geological Survey 1.5 Minute Historic quadrangles: □ U.S. Geological Survey 1.5 Minute Historic quad

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.